

MICHAEL ANTHONY MITCHELL,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

This matter comes before the Court on petitioner's motion for resentencing [DE 126] and motion to unseal and provide documents [DE 135]. Additionally, petitioner's filing at DE 139 is construed as a motion to withdraw his other motions and a motion for production of his plea agreement. It is GRANTED.

Petitioner was originally sentenced to 219 months' imprisonment in the Bureau of Prisons on December 14, 2016. He filed a motion asking that his sentence be reconsidered. [DE 126]. The relief he sought in that motion is that which would result from a successful motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. The government moved to construe the motion under 28 U.S.C. § 2255 and deny it. Petitioner then moved to withdraw his motion.


Petitioner also requested copies of several documents related to his case [DE 135], but later only asked for a copy of his plea agreement [DE 139]. Accordingly, the Court considers his requests for other documents to be withdrawn.

The government took no position as to the provision of his plea agreement. The record does not reflect that petitioner's plea agreement [DE 62] was filed under seal in this case, and so

petitioner's motion to unseal it [DE 135] is DENIED AS MOOT. *See* 09-SO-02 (E.D.N.C. Feb. 12, 2010) (directing the clerk to file all plea agreements entered after August 28, 2009 in such a manner that there is not remote electronic public access

Petitioner's motion to withdraw his motion and to be provided a copy of his plea agreement [DE 139] is GRANTED.¹ The clerk is DIRECTED to provide petitioner one copy of his plea agreement at no cost.

SO ORDERED, this 19 day of June, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE

¹ The Court warns petitioner of the effects of filing a motion pursuant to § 2255, including the restrictions on filing second or successive § 2255 motions, and advises him of the requirements of § 2255. *See Castro v. United States*, 540 U.S. 375, 377 (2003); *United States v. Emanuel*, 288 F.3d 644, 649 (4th Cir. 2002).